

cupation.<sup>13</sup> Akinsha and Kozlov represent both the Western ahistorical moral views of the Soviet plunder and the Russian reformist perspective, which focused on the need to atone for the Russian plunder and reform the Russian system. Throughout their book *Beautiful Loot* they minimize the horror the Soviet population suffered under the Nazi occupation, while narrating the eventual defeat of the Germans through lighthearted stories about the good lives enjoyed by the plunder units. The reader does not get the sense of a Soviet struggle for survival against a criminal Nazi regime. She gets more of a sense of a theater of the absurd: tanks camouflaged with lace mounted by units playing the accordion while crossing snowy plains and corrupt officials in search of cultural property who indulge in the high life and excellent cuisine at German hotels. It is not that their descriptions are false. They are not. The stories are based on diaries and memoirs, and the reality they describe is formally historically correct. But their narrative is especially revealing because of what they want to remember of the period and what they choose to forget. Their story of an unexceptional history is a normal story that demands ordinary evaluation. Such normal times must reject any plunder. Most of all, their story depicts a war in which the Soviets were not the victims, but the final perpetrators. Akinsha: "It's true it was a patriotic war, but we forget its results. We still think we liberated the Poles. We enslaved half of Europe and hid its art. We still do not understand that. Only when this understanding will sink in will the last prisoners of that war—the trophies—be allowed to see the light of day, and some of them even go home."<sup>14</sup>

In this case "home" is at best contested territory. It is hard not to sympathize with their focus on Russian actions rather than on Russian victimization. There is no doubt that a moral position ought to examine and demand more from oneself than from the actions of others. There is little doubt that Russia will benefit from recognizing its own culpability in numerous instances. Yet in the overall evaluation of the war it is not surprising that in general Russians do not share the detached view taken by Akinsha. At times it became clear that exposing the secret art and returning it were two very distinct propositions. Russia embraced only the first one.

One can gain another insight into the conflict within Russia from a report by Kozlov on an exchange he had with Irina Antonova, the old guard director of the Pushkin Museum and the most prominent hard-liner on the restitution question. As a young curator at the end of the war Antonova received the art treasures at the museum. Half a century later she strongly defended

keeping them. She asked Kozlov what he was trying to achieve in disclosing their existence to the world. "I wanted to tell the truth," he replied. "There are different truths," she said. "I believe there is only one truth," countered Kozlov. Antonova responded with her view of justice: "... you are young and inexperienced. You didn't see Peterhof burned down, but I saw it. The Germans committed terrible crimes in our country, and the highest justice is on our side. . . ." In contrast, Kozlov speaks about the "masterpieces of world culture that are hidden, stolen from world civilization, and we are lying when we say those things are not in the USSR."<sup>5</sup> For Antonova the Russian victims paid for these trophy artworks with their blood. The dilemma is made even greater when juxtaposed to Western political liberal language. Antonova's identity rhetoric is generally validated nowadays by Western liberals in the cases of victims of imperialism and racism. In a strange twist the old Communist guard seems to appropriate Western notions of national history, relative truth, and identity politics. In contrast, the liberal reformer argues for "one truth." For Kozlov, disclosing the existence of the treasures and restituting them are the only ethical choice. Antonova chooses the national memory over the proclaimed universal ethics.

There is little surprise that Antonova, who endured the German onslaught on Russia, is not eager to embrace Akinsha's and Kozlov's version of history. Nor is Russia. The competing truths are each partially valid. Current restitution debates are informed by the perpetrators' willingness to accept the victims' perspective, and thus Akinsha and Kozlov are perhaps more in tune with the international community. But this would be a valid and effective perspective for Russia only if Germany acted similarly, thereby encouraging the conciliatory voices in Russia. The issue will remain contentious until the parties are able to agree on their relative infliction and suffering and construct a shared history.

As the debate within Russia became more complex, the Russian public responded in ways that could not have been anticipated. Consider the unlikely response of *Segodnia*, one of the more independent, liberally minded publications, which supported the Pushkin exhibition "Twice Saved." It sided with Irina Antonova. The magazine criticized such opposition as Akinsha and Kozlov, calling them "spiritual collaborationists" and accusing them of downplaying the defeat of Nazism and turning it into a plunder exhibition. The magazine mocked the critics for supposedly suggesting that Berlin could have been liberated "by an Anglo-American company of regimental clerks armed



with the texts of the Geneva and Hague conventions." While a report in the West suggested that personal relations between the magazine and the museum may have accounted for its biting defense of Antonova,<sup>16</sup> an equally interesting question may be: Why would a liberal magazine adopt a position that is viewed as not far removed from extreme nationalism and old Communist scare tactics? Or to put it differently, how can the magazine maintain its liberal reputation with such reporting? The answer may be found not in the politics of liberal publishing in Russia but in the nature of its nationalism and the place of the war and the army in the national identity.

The spectrum of opinion and potential political action in Russia was quite limited. Few Russians supported the return of the art in toto or unconditionally. Contradictory as it may seem to the outsider, Russian nationalists and reformers generally agree on the heroic nature of their victory in the war. They share the feeling that the West betrayed them by not opening a second front early enough and the belief that it was the Russian spirit and Russian army that saved the world. There is very little else in recent Russian history that is the subject of such widespread pride. From this perspective, on the fiftieth anniversary of the end of World War II, turning trophy art into plundered treasures violates national memory. While certain liberal circles adopted this line in a debate, there was no corresponding "liberal history" that could accommodate the perspective that tells the war story as heroic but that recognizes the immorality of plundering the art treasures. What the West may view as "decades of party propaganda," Russians see as authentic memories of the war. Their pride in the victory is based on the belief that it was a moral victory, one that was important because it enabled a national survival and not because it created the Eastern European empire. As it turns out, the Russians have been far less reluctant to give up the empire than to rip the national memory apart. During 1996 the conventional wisdom was that in an election year "no Russian politician can afford to appear insensitive" to those national memories, implying that invoking national memories of the war is cheap illegitimate electoral pandering. In contrast with the view that these policies were merely political pandering, there is a possibility that these are authentic concerns fundamental to the popular notion of historical justice. In this case it may be viewed as "reasonable" that the treasures will stay in Russia until a "true" reconciliation can be reached. This is the same concern that hindered the international community in its efforts to follow procedural justice and condemn the plunder: the memory of the pain inflicted by Nazism.

The moral dilemma facing the international community in the 1990s is how to negotiate two evils, how to compare destruction and looting. It is a moral dilemma, which does not call for action but does affect the outcome of restitution debates. The predicament is caused by the need to evaluate abstract principles of justice versus concrete historical legacy. The international moral order as manifested in numerous agreements and the legal system is unambiguous about the unjust nature of any looting of cultural property. This position has been explicated in numerous international treaties for centuries and has become most specific over the last century. The only recent examples of plundered art are either by pariah states (Iraq from Kuwait) or by colonial powers from "primitives" (imperialism).<sup>17</sup> The Soviet plunder from Germany clearly does not fall into either of these categories. Numerous reports in the West essentially agree with the judgment by *Time*: "[T]here is only one ethical course open to the Russian authorities: they must honor Russia's signature on the 1954 and 1990 accords and let the works go back to Germany on condition that the Germans return a proportionate amount of the things they swiped."<sup>18</sup> But this view ignores the fact that the Germans did more than loot; they destroyed Russia's culture. A more sympathetic view of the Russian position reminds one that "If the Russians had behaved in Germany the same way the Germans behaved in Russia, the problem of restitution would not exist."<sup>19</sup> This disparity, in which Germany has nothing to retribute, places Russia at a seeming disadvantage.

There is one further issue to consider. To the impartial observer it is clear that hiding and returning the art treasures are two different issues. The major exhibitions in 1995 and 1996 have begun to take care of the "hidden . . . from world civilization" problem. Indeed, when the Hermitage unveiled the masterpieces, its director, Mikhail Piotrovsky, declared that the art has been restored to world culture and it was up to the politicians to decide its "destiny." After all, from the perspective of the "world," Berlin or Moscow could serve equally well as a "world" art depository. With three hundred thousand foreign and one and one-half million Russian visitors, in addition to the successful glossy catalog published in New York, there is no question that the "secret" art has returned to center stage and is no longer hidden. Hermitage Director Piotrovsky is possibly the best spokesperson for the Russian position. He has become much more proactive by shifting the sole responsibility away from the politicians. He took credit not only for returning the art to the open but also, by extolling "Hidden Treasures Revealed," for enabling the international dis-



cussion of the issue of trophy art. By globalizing the question and sharing the blame, Piotrovsky equated the Russian removal of art to works taken home from Germany by American soldiers or to Jewish art still held by the German government. This narrative enables the Russians to claim that the art has been restituted to the world and that only the question of who should display and own these treasures remains. The ownership question ought to be resolved as part of the legal and political Russian-German relations. It no longer includes the excitement of the "rediscovered" art treasures, which propelled the issue into a mega-international debate.

### THE FADING RUSSIAN-GERMAN DIALOGUE

In the early 1990s the Russians were on the verge of restituting the art. The high moral ground they attempted to occupy as a way of rebelling against the dark Communist past included a friendship treaty with Germany that was initially interpreted to commit Russia to retribute the stolen art. However, Russia quickly changed its position and came to interpret the agreement as excluding all the officially removed art in the Soviet zone of occupation. Mikhail Shvydkoi, Russia's deputy minister of culture, dismissed the supposed implications for restitution in the friendship treaties of the early nineties as having been signed in a moment of "euphoria."

In those early post-Communist "euphoric" days, even unofficial and "private" restitution was attempted. Several librarians volunteered to send back collections kept under their supervision. The most famous case of private restitution involved the Baldwin drawings, a large collection of hundreds of priceless drawings from the Bremen Museum that were discovered accidentally by Russian troops and brought back to the USSR privately by a Russian soldier, Victor Baldwin. The heroic story of the drawings' salvage at the end of the war and Baldwin's later attempts to keep them safe in Russia and then retribute them to Germany provide the perfect legal circumstance in which even the Russian interpretation of the legal situation should have facilitated clear restitution. The drawings also provided Akinsha and Kozlov with their most adventurous encounter in their pursuit of restitution; they located additional drawings from the Bremen collection and returned them to the German Consulate, where the drawings will remain until the debate is resolved. Back in 1991, during those "euphoric" moments, even Boris Yeltsin tried to give the

Baldwin drawings back to the Bremen Museum in Germany but was stopped by the Soviet Ministry of Culture. Later the Russian government repeated Yeltsin's promise, but by that time the tide was turning. In return for the lion's share of the drawings, Germany proposed to leave ten of the best in Russia, help restore the churches in Novgorod, and help Russia trace what it had lost during the war.

These negotiations failed in 1993. The conventional view is that Germany's implied position is open and generous, holding to a seemingly morally superior position, while Russia is guilty of a stubborn refusal to return the art. Yet from the Russian point of view, these German proposals are an illustration of how a necessary German action—help with restoration of that which they destroyed—that ought to be a precondition for negotiation is presented as a virtue. The restoration of the churches of Novgorod and their frescoes, supposedly "the greatest masterpieces of Russian art," which were destroyed by the Nazis, ought to be a German duty, not a mark of generosity.<sup>20</sup> The Russians are quick to point out that the Germans raised money to buy back the Quedlinburg treasures (from the descendants of the American soldier who had looted them personally, not backed by the U.S. government) but demand that the Russians return their treasures as an act of goodwill.<sup>21</sup> In 1998 the Russians nationalized the looted objects, but as with other controversial legislation, neither the status of the legislation nor the extent of its implementation is altogether clear, either domestically or internationally. In England a court ruling (September 1998) restituted a plundered painting, which had been placed in Sotheby's auction, to Germany as the legal owner. The art world celebrated the decision, which meant that works of art with a shady provenance will not come on the market. It may, like so many aspects of the case, lead to the opposite result and, instead of benefiting former owners, put the brakes on smuggling art from Russia to be sold off in the West.

The dispute in Russia between the executive branch and the legislature over the legal status of the plundered art enabled the constitutional court to use the case to limit arbitrary presidential powers. In an unholy alliance, liberal principles, intended to strengthen the rule of law, were used once more to support the nationalists' aims. In the meantime Bonn maintained the tough rhetoric but despaired over the prospect of wide restitution. Concurrently, other claimants increased demands for post-World War II plundered art found in the United States, France, Britain, and other countries. Political and legal decisions reshape the moral threshold against which the Russian-German dispute, the most significant of these controversies, will be measured.



In the early stages of the negotiations, when the overwhelming spirit of reform in Russia was guiding expectations, it seemed not only that Russia would want to do the right thing, but that it could not afford to do otherwise, given the actual and expected German aid. How could it let priceless art, which in the best of cases may amount to a few billion dollars, stand in the way of national reforms and economic survival? (The value of the art is an abstract concept because it is highly unlikely that Russia could or would want to sell the art on the open market.) Indeed several German commentators implied that the continuation of German economic assistance to Russia, including bank loans, would depend upon a satisfactory resolution of the art dispute. This only inflamed the situation. Russian officials rejected the connection, claiming that it is unacceptable to demand cultural property in exchange for debts or for what they considered "sausage meat." The Russians asserted that Germany was obliged to assist them economically and that the assistance would also provide excellent investment opportunities for Germany. Russia would not sell its soul for loans or investments. Only a respectable exchange in kind, of cultural objects and cultural restoration, would be feasible. This construction quickly reversed the moral stakes. From a Russian perspective, Germany's demand for cultural property in exchange for assistance was blackmail because the assistance was essential to them. Abstracting the plunder and ignoring the historical context of Russian suffering during the war are not only unwarranted but also immoral and are politically inadvisable since they are unlikely to encourage conciliatory gestures by Russia. One could view Russia's feeble legal presentation as it has been manifested to date in various reports as either a result of incompetence or a declaration that even from a weak formal position it was not going to be deterred and bullied into submission by Germany. It would have been fascinating to see whether or not Germany would have been more successful if it had constructed a situation that tempted Russia to return the art as a matter of Russian interest, rather than try to force it along legalistic lines. Interestingly, the political friendship between then Chancellor Helmut Kohl and Yeltsin seemed to have suffered very little from the dispute.

### A FUTURE RESOLUTION?

A resolution of the conflict through a reciprocal exchange and multiple compromises is not too hard to imagine. Little can probably be achieved by attempting to force Russia to repent for acts it sees as noble. Yet given the right

context, the art could be restituted to the satisfaction of both sides. Although overshadowed by the intense current conflict, there has actually been an extensive exchange of art between the Soviet Union and Germany. First, the Russian art plundered by the Nazis and found in the Western zone of Germany after the war was returned to Russia. The Soviets, for their part, have returned much German art to East Germany over the years. During the 1950s Russia returned to East Germany more than a million artworks and books, including some of the most valuable. In 1955 the restitution was celebrated with a major exhibit in the Pushkin Museum that included Raphael's *Sistine Madonna* and many other important paintings originally from the Dresden Gallery. The highlight of the restitution was perhaps the Pergamon altar, which was returned to Berlin. The Soviet Union viewed the restitution as a gift, not as an admission of guilt. Nor was it "forced" to return the art. Rather, this favorable political construction of the exchange was based upon the Soviet Union's returning the art from a position of power, with the intention of building up the legitimacy of the GDR. In the final calculus these exchanges will likely be taken into account.

But Germany's and Russia's polarized positions are evident in their very approach to the negotiations. In 1995 the Germans believed they were well on their way to reaching an agreement, possibly within a year. The Russians saw the situation differently: "We should like to warn our German partners against the excessive politicization of the problem of restitution, against attempts to accelerate this process. This could produce negative consequences in Russia's current difficult situation," said Sergei Sidorov, who headed the Central Restoration Workshop in Moscow and had been a trophy brigade officer in Berlin during the war.<sup>22</sup>

Under the assumption that Germany and Russia will not reach a mutually satisfactory solution soon, a proposal has been raised that the International Court in The Hague resolve the dispute. What would be the advantage of such a resolution? The court is supposed to resolve disputes between states in accordance with international law and could conceivably determine who is the legal owner. But the legal dispute in this case is merely a facade to a fundamentally divergent worldview. The question may be, Would the sides submit to the court? Germany might, if it expected to win. Under the right circumstances, the Russians might benefit from participating in the court proceedings by vigorously displaying the Nazi horrors of plunder and destruction of art across Europe and by arguing for the requirement that Germany assume



responsibility for its criminal past. Such a trial, which would be widely reported in the media, would do little to improve Germany's image for the current generation, in Russia, in Germany, and in other countries. After all, the present general international willingness to support the German position in the art dispute is based upon historical forgetfulness and ignorance of Russian suffering at the hands of the Germans. Then there is the factor of force. Even if Germany and international public pressure were to force Russia to litigate the matter, given the history of the dispute, it is likely that litigation would only make the Russians more resistant. If Russian nationalism has been invested in trophy art as a way to remember its glory days, it is most unlikely that the nationalists would be "bullied" by the court to give it up. However, if Russia initiated the litigation process, or if both countries chose it as a mediator, the court might well have a role to play. Neither possibility seems likely at the moment, but in the future Russia might be motivated by internal politics to use the court. For example, in the unlikely event that the Russian government would change sufficiently to favor restitution (say, in return for increased economic aid) but would need an alibi to counter the domestic nationalist fervor, it might choose to lose the case in court.

Within Russia even those who support partial restitution of the art to Germany agree that it must be part of extensive and careful legislation, which would also protect their national treasures from possible future abuses. This is aimed not only at other governments but also at their own country. If there is any ambiguity or arbitrariness on how decisions regarding disposition of Russian patrimony are made, it would leave the museums and the cultural treasures vulnerable to future arbitrary governmental plunder. The Russians have good reason and precedent for this concern. In the twenties and thirties Stalin decided to sell extensive treasures from the Hermitage, much of which was eagerly snapped up by Andrew Mellon for the National Gallery in Washington, D.C. Given bureaucratic arbitrariness, it is not hard to imagine similar events in the future. The removal of the trophy art from the Russian museums, followed by the return of objects to the church and general legislation regarding privatization, would lead to decimation of Russia's national art collections and a disastrous situation for the museums. Therefore the widespread view is that legislation must clearly define the status of the trophy art and protect museum collections.

Several creative propositions have been floated as a way to resolve the dispute between Russia and Germany. These include sharing the art and dis-

playing the works in each country on a regular basis. Indeed in 1998 Germany lent objects to the Hermitage exhibition "Schliemann—Petersburg—Troy." The practicality of wide exchanges with regard to cost, insurance, fragility of the objects, and so on has been quickly challenged. The larger question about such an arrangement depends, however, on the specifics and, even more, on reciprocity. In the final analysis, it is cooperation that will determine if an arrangement will be reached. Another proposition, which falls in line with the Russian notion that the art has been returned to the world stage even if it resides in Russia, was a proposal to build a permanent museum in Moscow to display it. This seemed especially outlandish and quixotic because it brings memories of Hitler's plans to build a megamuseum in Linz of all the plundered art from Europe and Stalin's similar ambition for a Moscow museum after the war. Fantastic ideas, however, may take on lives of their own. In this case should the proposed museum materialize, it would enshrine art plundering and the vicious nature of the war as a cornerstone in the shared history of both countries.

WHILE IT IS difficult, not to say unethical, to condone theft and plunder as a method of restitution in times of war, the Russian situation presents a unique challenge and an opportunity for exploring the enigma of recovering historical injustices. Comparing victimization, remembering, forgetting, and repressing dark historical phases assure us that there is no morally uncontaminated position. To achieve parity from the Russian perspective, restitution of the trophy art necessitates that Russia maintain ownership of part of the art and be compensated for the destruction inflicted upon its people and culture by the Third Reich. Reciprocity has become a precondition of any agreement.

Since the 1980s there has been much talk about the invention of tradition. While historical studies have shown that much in every nation's history is far less primordial than the nation imagines it to be, time is a significant factor in creating tradition. In the German-Russian dispute, a national Russian tradition has been invented instantaneously, telescoped through the news. The national fervor and symbolic identity woven around the physical objects were created within days and out of context. One can witness the magnitude of the symbolism by recognizing the popularity of Russian willingness to reject much-needed German economic compensation in order to maintain ownership of the art, the existence of which was largely unknown. It is one thing to feel a national pride in national treasure, but presumably another to attach na-



tional pride to cultural property that has played no role in one's history. The restitution debate is a widespread projection of identity on "new" objects, which can only be viewed as peripheral to the proclaimed national sentiment but can serve as a conduit for lost national glory. Translating national sentiment into a political question, the Russians had the choice of lending support either to the German position, which implied minimizing the Nazi-inflicted atrocities on Russia, or to the Russian Parliament, dominated by nationalist politicians driven by xenophobia. The choice leaves much to be desired.

To the degree that Germany has come to terms with its responsibility for the Nazi war crimes, it has done so gradually and under pressure. Its continuous negotiations with Jewish representatives introduced a culture of national repentance, but even this recognition was slow and partial. The German repentance of the Nazi period is limited and has never addressed significant aspects of its culpability. Over the years the German historical profession has tended more and more to embrace an interpretation that emphasizes the normal aspects of the Nazi regime. Because of the Cold War, Germany has had neither reason nor opportunity to participate in a similar public discussion regarding its obligations to Russia. The art dispute could have provided such an opportunity if Germany had rethought its obligations to Russia rather than merely isolated the art dispute and hidden behind national self-righteousness.